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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,734	10/12/2001	Kerry P. Rhodes	31193-UT	2863
5179	7590	06/18/2004	EXAMINER	
PEACOCK MYERS AND ADAMS P C			WATSON, ROBERT C	
P O BOX 26927			ART UNIT	PAPER NUMBER
ALBUQUERQUE, NM 871256927			3723	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,734	RHODES, KERRY P.	
	Examiner	Art Unit	
	Robert C. Watson	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7,9-31 and 42-151 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,9-31 and 42-151 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Claims 1-7, 9-31, 42-151 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. At least four (4) side supports are required if "a plurality of lifting mechanisms" are claimed. Accordingly, at least four (4) side supports which is critical or essential to the practice of the invention, was not included in the claim(s). The omitted subject matter is not enabled by the disclosure. It has not been presented how a plurality of lifting mechanisms would function if there are only two (2) side supports. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicant has claimed in independent claims 1, 42, 71, 99, and 126 "a plurality of lifting mechanisms" and "at least two side support brackets". It is respectfully submitted that "at least four side support brackets are required if a plurality of lifting mechanisms is being claimed. Similarly, claim 26 recites "a plurality of lifting mechanisms" and "at least one winch". If a plurality of lifting mechanisms are being claimed it is not seen how only one winch being claimed satisfies this limitation.

Claims 1-7, 9-31, and 42-151 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are not organized in a manner to present a complete and operative device. In independent claims 1, 42, 71, 99, and 126 the the "transmission shaft" and the "plurality of lifting mechanisms" are merely listed. The "transmission shaft" is not structurally correlated with the "plurality of lifting mechanisms". Similarly, in claims 18, 57, 85, 112, and 126 the winch, cable, and pulleys are merely listed and not structurally correlated with each other. In claim 1, line 3 "a clamp" and "a surface" is not

understood. A clamp on the side support bracket cannot be found in the description or in the drawings. The only clamp found in the description is attached to the cable rather than the support brackets. It is unclear if the "surface" is the pool table slate surface or the pool table cabinet surface. In claim 42, line 3 "upper surface of a frame" is not understood. Is this a lifter frame or a pool table cabinet frame? In claim 126 is the lifting mechanism comprised of a winch or is the winch different from the lifting mechanism?

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT C. WATSON
PRIMARY EXAMINER**